



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: The Development Review Committee and Townsley Schwab, Sr. Director of Planning & Environmental Resources

From: Bill Harbert, Planner *BH*
Janis Vaseris, Biologist *J.V.*

Date: July 28, 2009

Subject: *Request for a Minor Conditional Use Permit for a private school on property located at 5 Transylvania Avenue, Key Largo, Mile Marker 102*
Real Estate No. 00468560.000000, 00468570.000000, 00468580.000000, 00468590.000000, 00468600.000000, 00468610.000000, 00468620.000000

Meeting: August 4, 2009

I REQUEST:

The applicant is requesting approval of a minor conditional use permit in order to establish a private school within an existing structure of approximately 3,000 square feet.



Location of Subject Property (identified in Yellow) and Surrounding Vicinity (2006)

Location:

Address: 5 Transylvania Avenue, Key Largo, mile marker 102 (oceanside)

Legal Description: Block 2, Lots 2-8, Anglers Park Shores (PB1-148)

Real Estate (RE) Numbers: 00468560.000000, 00468570.000000, 00468580.000000, 00468590.000000, 00468600.000000, 00468610.000000, 00468620.000000

Applicant:

Owner: Evans Financial Services, Ltd.

Agent: Don Horton, No Stress Property Management Inc.

II RELEVANT PRIOR COUNTY ACTIONS:

Building Permit C-2628 was issued on April 27, 1977 for the construction of a single-family residence. On August 11, 1987, Building Permit C-22190 was issued for the remodeling of the building and its conversion into a daycare center.

III BACKGROUND INFORMATION:

A. Size of Site: 25,725 ft² (0.59 acres)

B. Land Use District: Improved Subdivision (IS)

C. Future Land Use Map (FLUM) Designation: Residential Medium (RM)

D. Tier Designation: Tier 3

E. Flood Zone: X

F. Existing Use: Vacant (Previous Daycare)

G. Existing Vegetation / Habitat: Scarified with random canopy trees and shrubs

H. Community Character of Immediate Vicinity: Single-family residential along Transylvania and commercial along US 1 to the North.

IV REVIEW OF APPLICATION:

MCC §110-67 provides the standards which are applicable to all conditional uses. When considering applications for a conditional use permit, the Development Review Committee and the Director of Planning and Environmental Resources shall consider the extent to which:

A. *The conditional use is consistent with the purposes, goals, objectives and standards of the comprehensive plan and the land development regulations:*

The proposed development is consistent with the purposes, goals, objectives and standards of the RM future land use category and the IS District.

Policies from the Monroe County Year 2010 Comprehensive Plan that directly pertain to the proposed use include:

1 Policy 101.4.3: The principal purpose of the Residential Medium land use
2 category is to recognize those portions of subdivisions that were lawfully
3 established and improved prior to the adoption of this plan and to define improved
4 subdivisions as those lots served by a dedicated and accepted existing roadway,
5 have an approved potable water supply, and have sufficient uplands to
6 accommodate the residential uses. Development on vacant land within this land
7 use category shall be limited to one residential dwelling unit for each such platted
8 lot or parcel which existed at the time of plan adoption. However, Monroe County
9 shall adopt Land Development Regulations which allow nonresidential uses that
10 were listed as a permitted use in the Land Development Regulations that were in
11 effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-
12 2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to
13 develop, redevelop, reestablish and/or substantially improve provided that the
14 uses are limited in intensity, floor area, density and to the type of use that existed
15 on January 4, 1996 or limited to what the pre-2010 LDR's allowed, whichever is
16 more restricted. Lands within this land use category shall not be further
17 subdivided.

18
19 B. *The conditional use is consistent with the community character of the immediate vicinity:*

20
21 The building on the property had been previously used as a daycare since from 1987 to
22 approximately 2008. The building has remained vacant from 2008 to date.

23
24 Occupants of neighboring properties could benefit from the services provided by a school
25 of this nature. Therefore, the proposed development would be consistent with the
26 community character of the immediate vicinity.

27
28 C. *The design of the proposed development minimizes adverse effects, including visual*
29 *impacts, on adjacent properties:*

30
31 The proposed use would be very similar to the previously permitted institutional use
32 within the existing building.

33
34 The applicant is making no exterior size or architectural modifications to any of the
35 existing structure. Therefore, the proposed development minimizes adverse effects,
36 including visual impacts, on adjacent properties.

37
38 D. *The proposed use will have an adverse impact on the value of surrounding properties:*

39
40 Staff has no evidence to support or disprove that the proposed redevelopment will have
41 an adverse impact on the value of the surrounding properties.

42
43 E. *The adequacy of public facilities and services:*

44
45 1. Roads:

1 *Localized Impacts & Access Management:* Access to the school would be from an
2 existing entry drive from Transylvania Avenue.
3

4 *Level of Service (LOS):* The applicant submitted a level 1 traffic engineering and
5 planning report based on a proposed elementary school with an enrollment of 30
6 students. Based on the findings of the ITE manual, this development will have a
7 conservative weighted daily volume of 214 vehicle trips per day and a peak period of
8 30 vehicle trips per hour. The County's traffic consultant, Raj Shanmugam, has
9 agreed with the findings in the level 1 traffic study and finds that the proposed
10 development will have little impact to the traffic on the surrounding roadways and
11 therefore meet the traffic impact requirements.
12

13 2. Stormwater: The applicant shall coordinate with the Public Works Division, and, if
14 necessary, the South Florida Water Management District (SFWMD) to determine
15 compliance with all applicable regulations.
16

17 3. Sewer: The applicant shall coordinate with the Key Largo Wastewater Treatment
18 District, Florida Department of Health and/or Florida Department of Environmental
19 Protection to determine compliance with all applicable regulations.
20

21 4. Emergency Management: The applicant shall coordinate with the Office of the Fire
22 Marshal to determine compliance with the Florida Fire Prevention Code, the Florida
23 Building Code, the National Fire Protection Code and the Life Line Safety Code. As
24 of the date of this report, the Monroe County Office of the Fire Marshal has not sent
25 comments regarding the review of this project.
26

27 F. *The Applicant has the financial and technical capacity to complete the development as*
28 *proposed:*
29

30 Staff has no evidence to support or disprove the applicant's financial and technical
31 capacity to complete the development as proposed.
32

33 G. *The development will adversely affect a known archaeological, historical or cultural*
34 *resource:*
35

36 The proposed redevelopment will not adversely affect a known archaeological, historical
37 or cultural resource.
38

39 H. *Public access to public beaches and other waterfront areas is preserved as part of the*
40 *proposed development:*
41

42 The subject property is land-locked. Therefore, the proposed development will not have
43 an adverse impact on public access to a waterfront area.
44

45 I. *The project complies with all additional standards imposed on it by the Land*
46 *Development Regulations:*

- 1
2 1. Residential Rate of Growth Ordinance (ROGO) (§138-19 – §138-28): *Not applicable.*
3

4 There are no existing or proposed residential dwelling units.
5

- 6 2. Non-Residential Rate of Growth Ordinance (NROGO) (§138-47 – §138-56): *In*
7 *compliance.*
8

9 Staff has found that the existing floor area was approved in 1987 as part of Building
10 Permit C-22190. The applicant is not proposing any expansions in floor area as part
11 of this application.
12

- 13 3. Purpose of the IS District (§130-34): *In compliance.*
14

15 The purpose of the IS district is to accommodate the legally vested residential
16 development rights of the owners of lots in subdivisions that were lawfully
17 established and improved prior to the adoption of this chapter. For the purpose of this
18 section, improved lots are those that are served by a dedicated and accepted existing
19 road of porous or nonporous material, that have a Florida Keys Aqueduct Authority
20 approved potable water supply, and that have sufficient uplands to accommodate the
21 proposed use in accordance with the required setbacks. This district is not intended to
22 be used for new land use districts of this classification within the county.
23

- 24 4. **Permitted Uses (§130-83):** *In compliance following the receipt of required*
25 *conditional use permit.*
26

27 In the IS District schools may be permitted with minor conditional use permit
28 approval.
29

- 30 5. Residential Density and Maximum Floor Area Ratio (§130-157, §130-162 & §130-
31 164): *In compliance.*
32

33 Land Use Intensity:
34

Structure	Land Use	FAR	Size of Site	Max Allowed	Existing	Used
Main Building	Institutional (School)	0.30	25,725 ft ²	7,718 ft ²	3,784 ft ²	49.03 %
Shelter	Institutional (School)	0.30	25,725 ft ²	7,718 ft ²	64 ft ²	0.83 %
Shed #1	Institutional (School)	0.30	25,725 ft ²	7,718 ft ²	154 ft ²	2.00 %
Shed #2	Institutional (School)	0.30	25,725 ft ²	7,718 ft ²	242 ft ²	3.14 %
Total					4,244 ft ²	55.0 %

- 35
36 6. Required Open Space (§118-9, §130-157, §130-162 & §130-164): *In compliance.*
37

1 In the IS District, there is a required open space ratio of 0.20. Therefore, at least 20
2 percent of the site must remain open space.

3
4 The property consists of approximately 25,725 ft² of upland area. Therefore, at least
5 5,145 ft² of the total land area must remain open space. According to the site plan
6 submitted the site contains 17,812 ft² or 68% open space.
7

8 **7. Minimum Yards (§130-186): *Not in compliance.***
9

10 The required non-shoreline setbacks in the IS District are as follows: Front yard – 25
11 feet; Rear yard – 20 feet; and Side yard – 10/15 feet (where 10 feet is the required
12 side yard for one side and 15 feet is the minimum combined total of both side yards).
13

14 As shown on the site plan, a utility shed is currently located in the required rear yard
15 setback and the structure referred to as a shelter is located in the side yard setback
16 along eastern property line. No expansions of the existing buildings or construction of
17 new buildings have been proposed as part of this application.
18

19 **8. Maximum Height (§146-3): *In compliance.***
20

21 Staff conducted a site visit and found that all buildings on the property are single
22 story ground level buildings that do not exceed 35 feet in height.
23

24 **9. Surface Water Management Criteria (§114-3): *Full compliance to be determined upon***
25 ***submittal to Building Department.***
26

27 The Monroe County Project Management Department reviewed the project and
28 provided a memorandum indicating that the proposed development meets the
29 requirements for storm water management.
30

31 **10. Wastewater Treatment Criteria (§114-5): *Compliance to be determined by Florida***
32 ***Department of Health and/or the Key Largo Wastewater Treatment District prior to***
33 ***the issuance of a building permit.***
34

35 The applicant has requested a letter of coordination from the Monroe County
36 Department of Health.
37

38 **11. Fencing (§114-20): *In compliance.***
39

40 No new fencing is proposed as part of this application.
41

42 **12. Floodplain Management (§122-1 – §122-6): *Compliance to be determined upon***
43 ***submittal to Building Department.***
44

45 The site is designated within an X flood zone on the Federal Emergency Management
46 Agency (FEMA)'s flood insurance rate maps. All improvements to existing structures

1 and any new structures that may be built in the future must be built to floodplain
2 management standards that meet or exceed those for flood protection.
3

- 4 13. Energy Conservation Standards (§114-45): *Compliance to be determined by the*
5 *Monroe County Building Department prior to issuance of a building permit.*
6

7 The applicant has agreed to include a bicycle rack and install native plants, trees and
8 other vegetation that reduce requirements for water and maintenance.
9

- 10 14. Potable Water Conservation Standards (§114-46): *Compliance to be determined by*
11 *the Monroe County Building Department prior to issuance of a building permit.*
12

- 13 15. Environmental Design Criteria and Mitigation Standards (§9.5-345 & §9.5-346): *Full*
14 *compliance to be determined upon submittal to Building Department.*
15

16 Native vegetation shall not be removed.
17

- 18 16. **Required Parking (§114-67):** *Compliance to be determined.*
19

20 The land development regulations do not provide a parking standard for a school use.
21 Based on the level of proposed staffing provided by the applicant (3 employees), 6
22 off-street parking spaces would be provided; consisting of 5 regular spaces (8.5 ft x
23 11 ft) and 1 space designated as handicap only (12 ft x 20 ft with a 5 ft aisle). The
24 land development regulations do not provide a parking requirement for schools.
25 Based on the number of employees and the age of the students, 5 regular parking
26 spaces and 1 handicap parking space may be adequate for this type of school.
27 However, this must be approved by the Director of Planning & Environmental
28 Resources.
29

30 *Bicycle Parking:* No bicycle rack or scooter parking is shown on the site plan. A
31 bicycle rack shall be provided by all nonresidential development within 200 feet of an
32 existing or programmed state or county bikeway. Furthermore, bicycles are a
33 common form of transportation for students.
34

35 The minimum layout for a bicycle parking area shall be a 2 foot wide by 6 foot long
36 stall with a minimum aisle width of 5 feet. The bicycle parking area shall be located
37 within 50 feet of a public entrance to the principal structure and shall not interfere
38 with pedestrian or vehicular traffic.
39

- 40 17. **Required Loading and Unloading Spaces (§114-69):** *Not in compliance.*
41

42 All non-residential uses with 2,500 ft² to 49,999 ft² of floor area are required to have
43 one (1) loading and unloading space, measuring 11 feet by 55 feet.
44

45 A loading/unloading space is shown on the site plan. However, according to the land
46 development regulations, loading/unloading spaces shall be located entirely on the

1 same lot as the principal use they serve. These spaces shall not be located on any
2 public right-of-way, or on any parking spaces or parking aisle. Staff has found that
3 the proposed loading/unloading space is located in the parking aisle of 3 regular
4 parking spaces and the 1 handicap parking space. This would result in a total
5 blockage of these parking spaces.
6

7 18. Required Landscaping (§114-99 – §114-105): *Not applicable.*
8

9 Non-commercial developments are not required to landscape parking areas.
10

11 19. Required Buffer-yards (§114-124 – §114-130): *In compliance.*
12

13 This property is located in a IS district that is bordered by IS zoning districts to the
14 North, East and West. The property is also bordered by a heavily vegetated tier 1
15 parcel of land that is owned by the State of Florida and is zoned Destination Resort. A
16 class “D” buffer yard is required for projects sharing IS and DR boundaries. Staff has
17 found that due to the dense vegetation to the South and IS zoning on all other sides no
18 additional buffer yard plantings will be required. However, according to the site plan
19 submitted with the application the applicant is proposing a street buffer yard along
20 Transylvania Avenue.
21

22 20. Outdoor Lighting (§114-159 – §114-163): *Compliance to be determined upon*
23 *submittal to Building Department.*
24

25 21. Signs (§142-1 – §142-7): *Compliance to be determined upon submittal to Building*
26 *Department.*
27

28 No signage has been proposed as part of this application.
29

30 22. Access Standards (§114-195 – §114-201): *In compliance.*
31

32 The applicant submitted a level 1 traffic engineering and planning report based on a
33 proposed elementary school with an enrollment of 30 students. The County’s traffic
34 consultant, Raj Shanmugam, has agreed with the findings in the level 1 traffic study
35 and finds that the proposed development including access will have little impact to
36 the traffic on the surrounding roadways.
37

38 23. Chapter 533, Florida Statutes: *Full compliance to be determined upon submittal to*
39 *Building Department.*
40

41 V RECOMMENDED ACTION:
42

43 Staff recommends **APPROVAL** to the Director of Planning & Environmental Resources if
44 all the following conditions are met:
45

- 1 A. Prior to the issuance of a development order, the applicant shall revise the site plan to
2 either be found to not require a loading zone or relocate the loading zone to a location
3 found in compliance by the Director of Planning & Environmental Resources.
4
5 B. Prior to the issuance of a building permit, the applicant shall receive all required
6 permits and approvals from the United States Army Corps of Engineers, Florida
7 Department of Environmental Protection, Florida Department of Health and the
8 Florida Department of Transportation.
9
10 C. Prior to the issuance of a building permit, the proposed development and buildings
11 shall be found in compliance by the Monroe County Building Department, the
12 Monroe County Floodplain Administrator and the Monroe County Office of the Fire
13 Marshal.
14
15 D. Prior to the issuance of a building permit, the applicant shall remove the shed from
16 the required rear yard and the shelter building from the required side yard setback.
17
18 E. A bicycle rack shall be installed prior to the opening of the school.
19
20 F. The access drive shall be one-way only and clearly indicated with directional signage.
21
22 G. All standards and requirements of the Americans with Disabilities Act (ADA) shall
23 be met.
24
25 H. Any future signage shall be consistent with the residential community character as
26 determined by the Director of Planning & Environmental Resources
27

28 **VI PLANS REVIEWED:**
29

- 30 A. Site Plan (A-1) by Robert Barnes & Associates, dated June 29, 2009;
31 B. Floor Plan (A-2) by Robert Barnes & Associates, dated June 29, 2009;
32 C. Boundary Survey by David Massey Land Surveying, Inc., dated June 17, 2009;
33 D. Level 1 Traffic Study by Crossroads Engineering, dated June 7, 2009
34 J. Vegetation Survey by Harry A. DeLashmutt, Biosurveys, Inc., dated July 2, 2009